

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Sixteenth Judicial District Court, County of Custer

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-06-027
	)	
	)	DECISION
JOSHUA JAMES LEE HOWELL,	)	
	)	
Defendant.	)	

On January 4, 2019, the Defendant's suspended sentence for the offense of Issuing Bad Checks as Part of a Common Scheme was revoked. The Defendant was sentenced to the Department of Corrections for five (5) years, none of which was suspended. He was given credit for time served for this matter including three revocations proceedings of 181 days.

On May 2, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant appeared by video conferencing from the Crossroads Correctional Center and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 2<sup>nd</sup> day of May, 2019.

DATED this 30<sup>th</sup> day of May, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



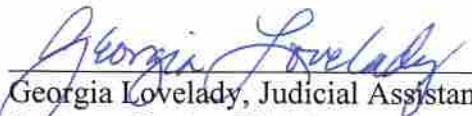
Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 4<sup>th</sup> day  
of June, 2019, to:

Clerk of District Court (Original)  
Joshua James Lee Howell #3001828, Defendant (2)  
Hon. Michael B. Hayworth  
Brent Getty, Defense Counsel  
Garry P. Buenke, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant  
Sentence Review Division